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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

FILED
8-14-2008
AUG 14 2008

Judge. Ruben Castillo S/B
United States District Court

3XA WIRELESS, INC., an Illinois corporation,
and MOGO WIRELESS, INC., a Georgia
corporation,

Plaintiffs,

v.

WILSON ELECTRONICS, INC., a Utah
corporation,

Defendant.

No. 08 CV 2867

(JURY TRIAL DEMANDED)

Judge Dow

STIPULATION

Plaintiffs 3XA WIRELESS, INC. ("3XA") and MOGO WIRELESS, INC. ("MOGO") (collectively "Plaintiffs"), and defendant, WILSON ELECTRONICS, INC. (referred to hereinafter both as "Wilson" and "Defendant"), by and through their attorneys, hereby jointly stipulate and agree as follows:

WHEREAS the parties are engaged in litigation in Federal District Court in both this district and the Central District of Utah involving cross-allegations of, *inter alia*, false or misleading statements concerning certain cellular signal amplifier products manufactured and distributed by Plaintiffs. The action in the Central District of Utah is styled *Wilson Electronics, Inc. v. Call Capture, I.W.R.E. Inc., Mogo Wireless, Inc., and 3XA Wireless, Inc.*, No. 08 CV 242 TS ("Utah action").

WHEREAS Plaintiffs' claims, herein, are based, *inter alia*, on the distribution of two Consumer Alerts by Wilson (attached as Exhibits A and B to Plaintiffs' Complaint). Specifically, Plaintiffs allege that various statements in the Consumer Alerts are false, misleading and have, through their distribution, damaged Plaintiffs.

WHEREAS Wilson alleges that the statements included in the Consumer Alerts are, *inter alia*, accurate and non-actionable.

WHEREAS Wilson's claims in the Utah action are based upon statements Wilson claims were made by 3XA, MOGO and the other Utah Defendants in the course of advertising about their cellular signal amplifier products. Specifically, Wilson alleges that said statements are false, misleading and have damaged Wilson.

WHEREAS 3XA and MOGO maintain that any statements appropriately attributable to them are, *inter alia*, accurate and non-actionable.

WHEREAS 3XA and MOGO, herein, have filed an Emergency Motion for Temporary Restraining Order and Preliminary Injunctive Relief and Memorandum of Law in support, which this Court has set for expedited hearing on August 14, 2008. Specifically, 3XA and MOGO seek to prevent further distribution of the Consumer Alerts and/or similar materials by Wilson, either directly or indirectly, during the pendency of this and the Utah litigation.

WHEREAS Wilson does not intend to distribute the Consumer Alerts in the future, opting instead to rely upon the remedies available in the present actions;

WHEREAS this stipulation does not implicate the merits of any claim or defense in this or the Utah litigation nor prejudice the ability of either party to prosecute any claim or defense, including positions related to jurisdiction and venue, in this or the Utah litigation.

THEREFORE THE PARTIES HERETO AGREE AND STIPULATE AS FOLLOWS:

1. Wilson will not, during the pendency of this action and the Utah action, distribute or cause to be distributed, either directly or indirectly, the Consumer Alerts or similar materials to any third parties, including but not limited to distribution firms, retailers or customers of Plaintiffs or potential or prospective distribution firms, retailers or customers of Plaintiffs.

2. 3XA and MOGO hereby withdraw their Emergency Motion for Temporary Restraining Order and Preliminary Injunctive Relief filed on August 11, 2008, herein.

AGREED and STIPULATED:

DATED this 13th day of August, 2008.
Attorneys for Plaintiffs
Mogo Wireless, Inc.
3XA Wireless, Inc.

DATED this 13th day of August 2008.
Attorneys for Defendant
Wilson Electronics, Inc.

By: /s/ Steven B. Ekker

By: /s/ Mircea Tipescu

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